

REMARKS

This Response is submitted in reply to the Final Office Action dated December 10, 2007, in which the Examiner:

rejected claims 1-8 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,037,727 to Kawanobe et al.

Applicant respectfully traverses the rejection below. Claims 1-8 are currently pending. Claim 1 is the only independent claim.

Regarding the rejection of claims 1-8 under 35 U.S.C. § 102(b) as anticipated by Kawanobe, claim 1 recites, in part, an automatic open-close device comprising a low driving force mode setting unit that operates the driving unit by low driving force when the stop state detecting unit detects that the open-close component stops in the intermediate position between the fully opened position and the fully closed position thereof and an automatic open-close mode setting unit that makes the open-close component automatically open and close when the move speed of the open-close component in the low driving force mode becomes a specified speed or higher within a specified time, wherein when the vehicle is inclined in the open-close direction of the open-close component, the open-close component temporarily stops at the intermediate position and then the open-close component is automatically operated toward the downward side of the inclination.

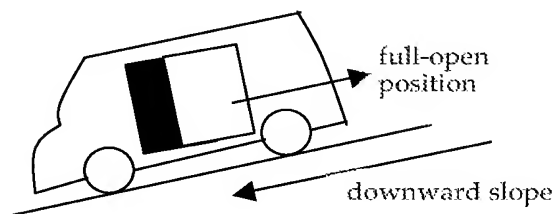
An anticipation rejection under § 102 is improper unless a single prior art reference shows or discloses each and every claim recitation. Kawanobe does not show or disclose each and every recitation of Applicant's claim 1. Specifically, Kawanobe does not show or disclose a low driving force mode setting unit that operates the driving unit by low driving force, when the stop state detecting unit detects that the open-close component stops. Instead, Kawanobe discloses that its half-clutch condition, which the Examiner identifies as a low driving force mode, is used to lighten the shock that may occur when a full-clutch condition is abruptly engaged while the door speed is fast. (Kawanobe, col. 11, lines 36-43). Thus, Kawanobe discloses that its half-clutch condition is engaged when the door

speed is fast, not when the door is stopped as recited in claim 1. Moreover, Kawanobe specifically discloses that its half-clutch condition is not connected when the door speed is less than or equal to a predetermined half-clutch speed. (Kawanobe, Fig. 14, step S68). Therefore, the half-clutch condition of Kawanobe is never engaged when the door is in a stopped state.

Additionally, Kawanobe does not show or disclose an automatic open-close mode setting unit that makes the open-close component automatically open and close, when the move speed of the open-close component in the low driving force mode becomes a specified speed or higher within a specified time. Instead, Kawanobe discloses that the full-clutch condition is engaged and the automatic open or close process is followed “when the door speed is less than a half-clutched speed after a predetermined time length”. (Kawanobe, col. 11, lines 44-53). Thus, Kawanobe discloses that the automatic open-close process is followed when the door speed in half-clutch mode becomes lower than a specified speed, not higher than a specified speed as recited in claim 1.

Kawanobe also does not show or disclose an automatic open-close device for a vehicle, wherein when the vehicle is inclined in the open-close direction of the open-close component, the open-close component temporarily stops at the intermediate position and then the open-close component is automatically operated toward the downward side of the inclination. Instead, Kawanobe discloses that:

...when the vehicle parks on a downward slope, the slide door 3 is moved to its full-open position, so that the slide door 3 doesn't close due to its weight. (Kawanobe, col. 9, lines 20-23; see also, col. 2, lines 20-23.)



When a vehicle is parked on a downward slope, movement of the door toward the full-open position, as illustrated above, is substantially opposite to the slope direction. Therefore, Kawanobe discloses moving its door 3 to the upward side of the inclination when the vehicle is parked on a downward slope.

Thus, Kawanobe discloses an automatic control of the door in a direction *opposite* to the recitations of Applicant's claim 1.

Moreover, the slope detection steps S77 and S78 of Kawanobe's Figure 14, identified by the Examiner, also show that the door is automatically operated toward the upward side of the inclination, not the downward side as recited in claim 1 of the present invention. For example, slope detection step S77 discloses that if the vehicle is parked on an upward slope with the door being closed, the door is automatically operated in the closing direction if its speed slows below the manual recognition speed. (Kawanobe, Fig. 14, S77-S73). Additionally, slope detection step S78 discloses that if the vehicle is parked on a downward slope with the door being opened, the door is automatically operated in the opening direction if its speed slows below the manual recognition speed. (Kawanobe, Fig. 14, S78-S73). Thus, both steps S77 and S78 disclose operating the door toward the upward side of the inclination, not the downward side as recited in claim 1.

Additionally, Kawanobe does not show or disclose automatic operation toward the downward side of an inclination *after* a temporary stop of an open-close component in an intermediate position. Insofar as Kawanobe ever shows automatic motion of its door 3 toward a downward slope, such automatic motion is not after a temporary stop in an intermediate position.

Furthermore, Applicant respectfully disagrees with the Examiner's assertion of inherency with regard to the open-close component temporarily stopping at the intermediate position. Although it is true that a moving body must be absolutely stopped before returning in the opposite direction, the present invention is directed to how the open-close component operates after being temporarily stopped in an intermediate position. Thus, the open-close component of the present invention may temporarily stop at the intermediate position and then either continue in same direction or return in the opposite direction. Therefore, the recitation of claim 1 of the present invention is not inherent.

Accordingly, Kawanobe does not show or disclose each and every recitation of Applicant's claim 1. Therefore, Applicant respectfully submits the rejection of claim 1 under 35 U.S.C. § 102(b) as anticipated by Kawanobe is improper and should be withdrawn.

Application No.: 10/526,710
Final Office Action dated: December 10, 2007
Response to Final Office Action dated: March 10, 2008

Claims 2-8 depend, directly or indirectly, from independent claim 1 and include additional recitations thereto. Therefore, Applicant respectfully submits that the rejection of claims 2-8 under 35 U.S.C. § 102(b) as anticipated by Kawanobe is improper for at least the same reasons stated in connection with claim 1, and should be withdrawn.

Having traversed the rejection, Applicant respectfully requests that the rejection of claims 1-8 be withdrawn, and claims 1-8 passed to issue.

Applicant believes no fees are due in connection with this Response. If any fees are deemed necessary, authorization is hereby granted to charge any such fees to Deposit Account No. 13-0235.

Respectfully submitted,

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